



Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of	)	
	)	
Pine Telephone Company, Inc.	)	CC Docket 97-213
Communications Assistance for Law	)	
Enforcement Act (CALEA) Extension of	)	
Capability Requirements	)	

**PETITION FOR EXTENSION**

Pine Telephone Company, Inc. ("Pine") respectfully submits this request for an extension of the January 30, 2004 deadline for compliance, pursuant to Section 107(c) of the Communications Assistance for Law Enforcement Act (CALEA), for certain capability assistance requirements imposed by Section 103 of CALEA. Specifically, Pine requests the Commission to extend the deadline of Section 103 compliance with respect to packet-mode communications to January 30, 2005.

**HISTORY**

Pine is a rural wireline local exchange carrier with five (5) exchange areas serving Broken Bow, Oak Hill, Hochatown, Eagletown and Wright City, Oklahoma. Pine has approximately 6805 access lines, serving both residential and business customers. Pine qualifies as a rural telephone company under 47 U.S.C. §153(37). Pine's wireline network offers packet-switched services utilizing Digital Subscriber Line (DSL) and Integrated Services Digital Network (ISDN) to provide data and voice communications. Pine utilizes AFC DSLAMS (running release 9.0.9), Cisco 6160 DSLAMS (running release 12.1), and a Cisco 6400 ATM switch which aggregates the DSL traffic from all the DSLAMS (running release 12.1). Pine's Gateway is a Cisco 7206 (running release 12.1). In total, Pine utilizes 8 AFC DSLAMS, 5 Cisco DSLAMS, 1 Cisco ATM (switch model #6400) and 2 Cisco Gateway Routers (model # 7206).

Pine Telephone previously participated with the Federal Bureau of Investigation (FBI) in the Flexible Deployment Program. Since this program is no longer offered, there is not a packet-mode capability solution nor standard for equipment used for such services as DSL. Compliance regarding DSL services is conditional on the development of a standard for manufacturers of such technology.

**ARGUMENT**

Section 107(c) authorizes carriers to petition the Commission for one or more CALEA deadline extensions, and the Commission may grant an extension where, as compliancy with the Section 103 capabilities requirements is not reasonably achievable through application of technology. The Commission should consider Pine's Petition for an extension under Section 107(c) and grant Pine an extension of the November 19, 2003 deadline for packet-switched technologies. Compliance will not be reasonably achievable for Pine by that date due to there not being standards in place for the DSL technologies that Pine employs.



As noted above, Pine offers DSL-based services. Unfortunately, the Industry does not provide standards for carriers using such technology. The manufacturers from which Pine has purchased DSLAMS (Cisco and AFC), have not indicated when they will have a commercially available upgrade to implement the necessary capabilities, nor does Pine have cost estimates for future upgrades. Once CALEA solutions become commercially available, Pine anticipates that it will need approximately one year to order, engineer, install and test the solutions. Pine requests this extension in hope that a solution is developed and made available during the time of the extension.

Presently, Pine cannot justify upgrades without due consideration of the financial impact to the company as well as to its subscribers. The economics of further upgrades are in doubt at this time as stated previously. Cost is an important factor to Section 107(c) extension determinations. Section 107(c) was enacted specifically so as to not impose on carriers undue financial burdens due to compliancy with CALEA. Therefore, Section 107(c) conditions relief on whether compliance is reasonably and financially achievable

Because compliancy will not be achievable for these services until a vendor solution is available and because the potential cost of compliancy will place an undue burden on Pine Telephone Company, Inc., we respectfully request that the Commission accept this waiver to extend the deadline to November 19, 2005 for Pine Telephone Company, Inc. so as to bring its DSL-based services into compliance with Section 103 requirements.

#### **CONCLUSION**

The Commission accordingly should grant Pine an extension to November 19, 2005 for the installation of the packet-mode capabilities in this petition.

Respectfully submitted by:

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